



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5-220-110 and 200
<b>Regulation title</b>	Medical Care Facilities Certificate of Public Need Rules and Regulations
<b>Action title</b>	To amend specific sections pursuant to HB2546 (2007)
<b>Final agency action date</b>	
<b>Document preparation date</b>	June 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

HB2546 (2007) amends §32.1-102.1 of the Code of Virginia related to the Certificate of Public Need program by requiring an annual increase in the threshold for capital expenditure projects to “reflect inflation using appropriate measures incorporating construction costs and medical inflation.” Therefore, 12 VAC 5-220-110 and 200 must be amended to conform to the law. Using the Consumer Price Index recently published by the U.S. Department of Labor, the capital expenditure threshold for projects requiring a COPN increased from \$15 million to \$15,615,000.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

On August 26, 2008, the State Health Commissioner, acting for the Board of Health when not in session, approved this nondiscretionary action to amend 12VAC5-220-110 and 200.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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There is no direct impact on the family.